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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Solus *et al.*

Appl. No. 09/891,332

Filed: June 27, 2001

For: **Polymerases for Analyzing or
Typing Polymorphic Nucleic Acid
Fragments and Uses Thereof**

Art Unit: *To be assigned*

Examiner: *To be assigned*

Atty. Docket: 0942.4250003/RWE/BJD/AGL

Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each document is submitted herewith.

The Examiner's attention is directed to the following co-pending U.S. Patent Applications, which are directed to related technical subject matter:

U.S. Patent Application No. 09/229,173, filed January 13, 1999, submitted herewith as Document AR11;

U.S. Patent Application No. 09/238,471, filed January 28, 1999, submitted herewith as Document AS11;

U.S. Patent Application No. 09/236,616, filed January 26, 1999, submitted herewith as Document AT11; and

U.S. Patent Application No. 09/236,615, filed January 26, 1999, submitted herewith as Document AR12.

The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following, in regards to non-English language documents AM1 and AN2 cited on Form PTO 1449:

Document No. AM1, West German Patent Publication No. DE 3834636 A1, is in the German language. This document appears to relate to methods and kits for analyzing DNA polymorphisms, using specific pairs of DNA primers in a primer-controlled amplification reaction and separating and analyzing reaction products. A copy of an abstract of this document in the English language, from Derwent World Patents Index, is included herewith as Document No. AS10. In addition, an apparent English language equivalent of this document, U.S. Patent No. 5,766,847 is cited on the accompanying Form PTO-1449 as Document AA3.

Document No. AN2, WIPO Publication No. WO 96/27680, is in the German language. This document appears to relate to a method of detecting specific sequences in nucleic acid molecules, particularly for detecting point mutations and polymorphisms in nucleic acid molecules or for sequencing unknown nucleic acid molecules, using solid phase arrays of nucleic acid analogues. An abstract for WO 96/27680 in the English language, obtained from Derwent World Patents Index, is included as Document AT10.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application

does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

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